

REMARKS

Claims 1, 2, 5-8, 9-13, 15, 18-35, and 37-50 were pending. Claim 1 has been amended to indicate that the multiple membrane protein is a heterologous multiple membrane protein. Support for the amendment can be found throughout the application as filed and, for example, in Example 3 of the as-filed application and previously presented, now canceled claim 50. Claim 1 has also been amended to delete the proviso that the multiple membrane protein is not CD63. Claim 50 has been canceled without prejudice. Claims 1, 2, and 5-8 are under examination.

No new matter has been added.

Interview Summary

Applicants would like to thank the Examiner for holding the telephone interview on July 6, 2006, during which the most recent office action and rejection were discussed. Applicants provide herewith a supplemental response expressly requested by the Examiner during the interview, and incorporating the suggestions of the Examiner to overcome the rejection. As discussed during the interview, Applicants have amended claim 1 to indicate that the multiple membrane spanning protein is a heterologous protein. As also requested by the Examiner, Applicants provide herewith a declaration by Dr. Benjamin Doranz (President and Chief Scientific Officer of Integral Molecular, Inc, licensee of the present patent application) that lists different multiple membrane spanning proteins that have been used to make the isolated virus-like particles claimed.

Rejection under 35 U.S.C. § 112

Claims 1, 2, 5-8, and 50 were rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully disagree.

As discussed in Applicants previous response (filed June 21, 2006) and during the telephone interview of July 6, 2006, the present application provides sufficient written

descriptive support for the claims. The species disclosed in the present application are sufficient to describe the genus for the reasons already of record. The sufficiency is further confirmed by the enclosed Declaration by Dr. Benjamin Doranz. As evidenced thereby, diverse multiple membrane spanning proteins have been incorporated into isolated virus-like particles according to the invention. “Regardless of the function or sequence of the above-identified multiple membrane spanning proteins the proteins, have all behaved in a similar manner and have been incorporated into the virus like particles successfully.” (Declaration of Dr. Benjamin Doranz, ¶ 3).

Accordingly, for the reasons stated in Applicants’ previous response (filed June 21, 2006), the reasons stated during the interview, and the additional comments made herein, the skilled artisan would consider that Applicants were in possession of the claimed invention at the time of filing. Applicants have demonstrated possession by describing virus-like particles comprising a variety of multiple membrane spanning proteins. Thus, for the reasons set forth above, Applicants respectfully submit that the specification as filed provides sufficient written description for the claims as presently amended, and, therefore, respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 112, first paragraph.

INTE00004-100
SERIAL NO.: 10/032,311

PATENT
FILED: December 21, 2001

Conclusion

Applicants believe the claims are in condition for allowance. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at (215) 665-6928 to clarify any unresolved issues raised by this response.

Respectfully submitted,

/Daniel M. Scolnick, Reg. # 52,201/
Daniel M. Scolnick, Reg. No. 52,201

Date: **July 20, 2006**
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103-3508
Telephone: (215) 665-6928
Facsimile: (215) 701-2029

Enclosures: Declaration Pursuant to 37 C.F.R § 1.132 by Dr. Benjamin Doranz